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February 6, 2014

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler:

I join millions of Americans in expressing my disappointment with the ruling by the United States Court of Appeals for the District of Columbia Circuit in *Verizon v. Federal Communications Commission*. Without regulations protecting the permission-less architecture of the internet, the internet may become yet another pay-to-play communications channel. I encourage you to reclassify broadband as a Title II communications service, so that broadband is treated as a basic common carrier.

Already we are seeing anti-competitive and discriminatory behavior from incumbent telecommunications providers. Just this week, a Verizon customer service representative told customers it is slowing down traffic from Amazon cloud services, a business provider of cloud infrastructure for small businesses such as iScan Online, large businesses such as Netflix, and government agencies such as the Central Intelligence Agency. Not coincidentally, Verizon has a cloud platform that competes with that of Amazon's. This is consistent with anti-competitive behavior in the mobile space, which has a weaker regulatory regime than wireline broadband. As just one example, AT&T has attempted to block products that compete with its phone service, such as the iPhone App Facetime, from using its network.

This is the world without net neutrality, in which the market power of those who own broadband lines or telecommunications networks can be used to force the adoption of an inferior product or service.

Removing legal protections over telecommunications networks, as the court did, also jeopardizes political speech. For example, in 2007, Verizon Wireless blocked a bulk text message from NARAL Pro-Choice America to its members, contending that it had the right to censor such "controversial or unsavory" content on its own network.

Without action from your agency, we will enter a world in which large telecommunications entities determine, at their own discretion, whether Americans enjoy universal phone service, free expression, and market competition. Unless the FCC takes action, this ruling may effectively reorganize the architecture of the internet, from a network in which all can speak, to one in which only those with power and money can speak.

Despite the court's ruling, there is clear authority for the FCC to promulgate strong rules protecting broadband users and the basic right of Americans to access an open internet.

Americans depend on broadband service for many purposes, including traditional voice communication. Consequently, there is no reason the FCC should treat broadband Internet differently from any other regulated telephone service under Title II of the Communications Act of 1934. Millions of Americans have demanded the Internet remain open, and called on the FCC to save Net Neutrality. I join them now by urging you to use your authority to reclassify broadband Internet as a Title II common carrier telecommunications service.

The concept of common carriage goes back to Roman times, and is the backbone of our market economy. It says that any entity who controls infrastructure that has clear public calling (such as roads, phone lines, pipelines) cannot refuse service or discriminate against someone willing to pay prevailing rates. Allowing anyone to become the gatekeeper of the Internet, and creating "pay to play" fee structures is simply unacceptable.

Thank you for your attention to this matter.

Sincerely,

Alan Grayson

ALAN GRAYSON
Member of Congress